

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF VIRTUAL PUBLIC HEARING**

**TIME AND PLACE:** **Monday, May 1, 2023, @ 4:00 p.m.**  
**Via WebEx:** <https://dcoz.dc.gov/ZC22-30> (to participate & watch)  
**Via Telephone:** 1-650-479-3208 **Access code:** 2318 127 3230 (audio participation & listen)  
**Via YouTube:** <https://www.youtube.com/c/DCOfficeofZoning> (to watch)  
**Instructions:** <https://dcoz.dc.gov/release/virtual-public-hearings>  
**Witness Sign Up:** <https://dcoz.dc.gov/service/sign-testify>

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. Case No. 22-30 (Office of Planning Zoning Map Amendment from the R-3 zone and PDR-1 zone to the MU-7B at Martin Luther King, Jr. Avenue and 13<sup>th</sup> Street, SE (Square 5600, Lot 17; Square 5601, Lots 860, 862, part of 865; Parcel 224/31; and Part of 13<sup>th</sup> Street, SE right-of-way)**

**THIS CASE IS OF INTEREST TO ANC 8A**

**Oral and Written Testimony**

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website indicated above. Also, see below: *How to participate as a witness – oral statements*. **On the day of the hearing – by 3:00 p.m.**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements*.

On September 19, 2022, the Office of Planning (“OP”) filed a report that served as a petition (the “OP Report”) requesting the Zoning Commission (the “Commission”) approve a proposed amendment of the Zoning Map (the “Map Amendment”) for lots fronting on Square 5600, Lot 17; Square 5601, Lots 860, 862, part of 865; Parcel 224/31; and Part of 13<sup>th</sup> Street, S.E. right-of-way (the “Property”), from the current R-3 zone and PDR-1 zone to the MU-7B zone.

Specifically, the following properties from the R-3 to the proposed MU-7B zone:

- Square 5601: part of Lot 865;
- Part of 13<sup>th</sup> Street right of way described as:  
All of that certain lot or parcel of land situate, lying and being in the District of Columbia being part of the Right of Way of 13<sup>th</sup> Street, adjacent to Square numbered Five Thousand Six Hundred (5600) as depicted on subdivision plat recorded in Plat Book 201 at Page 89 among the Records of the Office of the Surveyor of the District of Columbia.

**BEGINNING AT A POINT** on the northeastern corner of Lot 65, said point also being the intersection of the westerly line of 13th Street SE. and the Railroad property; thence,

1. South 04°27'28" East, a distance of 489.52 feet, to a point; thence
2. Due East 00°00'00", a distance of 12.99 feet, to a point; thence
3. Due North 00°00'00", a distance of 488.04 feet, to a point; thence
4. Due West 00°00'00", a distance of 51.03 feet, to the POINT OF BEGINNING, having an area of 15,622 Square Feet more or less; and

The following properties from the PDR-1 to the Proposed MU-7B zone:

- Square 5600: Lots 17
- Square 5601: Lots 860, 862, part of 865; and Parcel 224/31.

The property, which contains approximately 72,781 square feet of land area, is bounded by the District Department of Housing and Community Development (DHCD) offices and undeveloped property in the MU-7B zone to the south, 13<sup>th</sup> Street and single attached units in the R-3 zone to the east; Martin Luther King, Jr. Avenue, S.E., the CSX railway right of way and one-and two-story commercial buildings in the PDR-1 zone to the west; and CSX rail right-of-way in the PDR-1 zone and R-3 zone to the north.

At its September 29, 2022 public meeting, the Zoning Commission voted to grant OP's request and set the Petition down for a public hearing as a rulemaking case.

The OP report, dated September 19, 2022, stated that the proposal to rezone the subject properties from the R-3 zone and PDR-1 zone to the MU-7B zone is intended to implement the recommendations of the Comprehensive Plan (2021) and would not be inconsistent with the Comprehensive Plan.

OP is recommending that the map amendment not be subject to IZ Plus due to the disproportionate amount of existing affordable housing already in existence in the Far Southeast/Southwest Planning Area. In addition, the property is owned by the District Government which has a more rigorous affordability requirement that proposals which include multi-family residential units are required to reserve 30% of the units as affordable in perpetuity. This affordability will be greater than would be required by the regular IZ Plus requirements of Subtitle X § 502.1(b).

#### Current Zoning

The current R-3 zone is intended to permit attached rowhouses on small lots with buildings of 40 feet/3 stories maximum for uses within the categories of Subtitle U §§ 201 and 202.

The current PDR-1 zone is intended to production, distribution and repair uses within the categories of Subtitle U, Chapter 8. The PDR-1 zone permits a maximum height of 50 feet; and a maximum FAR of 3.5 (2.0 for restricted use). The PDR zones does not allow residential uses.

#### Proposed Zoning

The proposed MU-7B zoning is intended to provide for medium-density mixed-use development with an emphasis on residential use providing office, retail, and housing facilities on arterial streets and rapid transit stops. The MU-7B zone permits a maximum height of 65 feet; a maximum lot

occupancy for residential use of 75% (80% for IZ developments); and a maximum FAR of 4.0 (4.8 for IZ developments), of which no more than a maximum of 2.5 may be non-residential FAR.

### Comprehensive Plan

The Comprehensive Plan Future Land Use Map (“FLUM”) designates the properties for Mixed-Use Medium Density Residential/Medium Density Commercial and Local Public Facilities. The Framework Element of the Comprehensive Plan identifies the MU-8 and MU-10 zones as medium-density commercial zones but goes on to state that other zones may apply. The MU-7B zone is more appropriate for the site and would meet the recommendation for mixed-use development. As described in the Guidelines for Using the Generalized Policy Map and the Future Land Use Map, the maps are intended to provide generalized guidelines for development decisions.

The Comprehensive Plan Generalized Policy Map (“GPM”) designates the properties as a Main Street Mixed Use Corridor, Neighborhood Conservation Areas, and Resilience Focus Area. The Framework Element of the Comprehensive Plan defines Main Street Mixed Use Corridors as traditional commercial business corridors with a pedestrian-oriented environment with traditional storefronts with upper story residential office uses. Redevelopment of these corridors should foster economic and housing opportunities, serve neighborhood needs, support transit use, and enhance the pedestrian environment. The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. The properties are also within a Resilience Focus Area which will necessitate site-specific solutions and protections that would be necessary for a climate adaptive and resilient development.

Additionally, the Far Southeast/Southwest Area Element and specifically the Historic Anacostia Policy Focus Area recommends that the remainder of the former government center property and additional public properties are available for mixed-use development. The proposed map amendment would not be inconsistent with these recommendations.

The complete record in the case can be viewed online at the Office of Zoning’s Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

The Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, et seq. (2018 Repl.)) authorizes the Commission to consider and approve proposed amendments to the Zoning Map of the District of Columbia.

This virtual public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5.

### How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/> or by calling Ella Ackerman at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |                  |                |
|------------------|----------------|
| 1. Organizations | 5 minutes each |
| 2. Individuals   | 3 minutes each |

**How to participate as a witness - written statements**

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, provided that **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov). Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ella Ackerman at (202) 727-0789 for further assistance.

**"Great weight" to written report of ANC**

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

**FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, AND JOSEPH S. IMAMURA ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

**Do you need assistance to participate?** If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

**¿Necesita ayuda para participar?** Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

**Avez-vous besoin d'assistance pour pouvoir participer ?** Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

**참여하시는데 도움이 필요하세요?** 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

**您需要有人帮助参加活动吗?** 如果您需要特殊便利设施或语言协助服务 (翻译或口译) , 请在见面之前提前五天与 Zee Hill 联系 , 电话号码 (202) 727-0312, 电子邮件 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 这些是免费提供的服务

**Quý vị có cần trợ giúp gì để tham gia không?** Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

**ለመሳተፍ ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጉም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነዚህ አገልግሎቶች የሚሰጡት በነጻ ነው።